

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

v.

CYRNO TERRY LACKEY,

Movant.

No. 2:03-cr-00480 JAM AC 1

ORDER

Movant, a former federal prisoner proceeding pro se, filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. ECF No. 77. By order dated December 27, 2023, the court ordered respondent to file an answer to movant's § 2255 motion. ECF No. 88. No response was filed within the time provided so the court issued an order for respondent to show cause why sanctions should not be imposed. ECF No. 92. Again, no response to the order to show cause was filed by respondent. A review of the docket indicates that both of these orders were served on counsel who were no longer at the United States Attorney's Office. Respondent formally entered an appearance in this matter on May 7, 2024. ECF No. 93. As a result, the court will discharge the February 7, 2024 order to show cause and re-set the deadline for responding to movant's § 2255 motion in this case.

Respondent is directed to file an answer within thirty days from the date of this order. See Rule 4, Rules Governing Section 2255 Proceedings. Respondent shall include with the answer


1 any and all transcripts or other documents relevant to the determination of the issues presented in
2 the motion. Rule 5, Rules Governing Section 2255 Proceedings. Movant's traverse, if any, is due
3 on or before thirty days from the date respondent's answer is filed.

4 The Clerk of the Court shall serve a copy of this order, together with a copy of movant's
5 motion, on the United States Attorney or his authorized representative.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The order to show cause issued on February 7, 2024 (ECF No. 92) is discharged.
- 8 2. Respondent shall file an answer to movant's § 2255 motion within thirty days from the
9 date of this order.
- 10 3. Movant's traverse, if any, is due on or before thirty days from the date respondent's
11 answer is filed.

12 DATED: May 28, 2024

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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